

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF SAINT CROIX

IN RE:
AMENDMENTS TO THE LOCAL RULES
OF CIVIL PROCEDURE

MISC. NO. 2003/0006

O R D E R

Pursuant to Rule 83, Federal Rules of Civil Procedure, and after due consideration by the Court of certain amendments to the Local Rules of Civil Procedure of the District Court of the Virgin Islands ("Local Rule"), it is hereby ORDERED that

A. **LRCi 7.1(f)**

RESPONSE AND BRIEF

The following language is added at the end of the section: "Nothing herein shall prohibit a district judge or magistrate judge from ruling without a response or reply when deemed appropriate"

B. **A New Local Rule 34.1 is added:**

Rule 34.1. REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

"Except upon written stipulation of the parties or with written permission of the Court first obtained upon good cause shown, requests for production under Rule 34 of the Federal Rules of Civil Procedure may not exceed twenty-five (25) requests to each party, including all discrete sub-parts. A request for production of

executed copies of multiple authorizations shall constitute one request. Multiple plaintiffs with a common interest in issues of liability shall generally be considered as a single party for purpose of requests for production addressed to defendant(s) concerning such liability issues. However, such plaintiffs shall be considered separate parties with regard to defendant(s)' requests for production concerning any individual damages."

In determining good cause to modify the limitation on document production requests, the court shall consider the following: (1) whether the discovery sought is unreasonably cumulative or duplicative, or is obtainable from any other source that is more convenient, less burdensome or less expensive; (2) whether the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of issues in the litigation, and the importance of the proposed discovery in resolving the issues; and (3) whether the proposed discovery is reasonable under the circumstances of the case. The presiding district judge or magistrate judge shall have broad discretion in such regard.

C. Local Rule 33.1

INTERROGATORIES

The last paragraph is amended to comport with

Fed.R.Civ.P. 33(a) by deletion of such paragraph and insertion, instead, of the following:

"The number of allowable interrogatories and any expansion thereof shall be as provided in Fed.R.Civ.P. Rule 33(a) and any further amendment thereof."

D. **Local Rule 56.1(a)(1)**

PLEADINGS TO BE SERVED AND FILED BY MOVANT

The text of such sub-section is modified to read as follows:

"(1) *Notice and Motion*. Each dispositive motion shall be accompanied by a notice of motion, brief, affidavits and/or other supporting documentation, including a statement of the material facts about which the movant contends there is no genuine issue, with specific references to parts of the record relied on to support the motion and each paragraph of the statement of material facts. The fact paragraphs shall be numbered separately. The movant shall serve all parties with the notice and all pleading and supporting documentation. The movant simultaneously shall file **only** the notice of motion with the Clerk (with a copy for the district judge's law clerk), which extends the time for filing an answer if one has not yet been filed."

It is further

ORDERED that, due to the immediate need for these amended rules, the foregoing amendments to the Local Rules shall become effective as of May 23, 2002 and, to the extent practicable, shall apply to all cases then pending in the District Court of the Virgin Islands. See LRCi 1.1(d). It is further

ORDERED that the public and members of the bar are hereby given notice and opportunity to comment, as required by 28 U.S.C. § 2071(e). Such comment may be submitted to the Clerk of the Court in writing or may be made orally at public hearings at the District Court on June 13, 2003 at 10:00 a.m. in St. Thomas and at 2:00 p.m. in St. Croix. These amendments will take effect on May 23, 2003 and will remain in effect unless modified as a result of such comment from the public and bar.

ENTER:

Dated: May 7, 2003

_____/s/_____
RAYMOND L. FINCH
CHIEF JUDGE

Dated: May 9, 2003

_____/s/_____
THOMAS K. MOORE
DISTRICT JUDGE

A T T E S T:

Wilfredo F. Morales, Clerk of Court

by:_____/s/_____
Theresa H. Thomas
Deputy Clerk